

## **REMARKS**

Claims presented for prosecution in this Application are 1-3, and 5-20. Claim 4 being canceled, and claim 20 being newly added, by the present amendment. Claims 1-19 have been rejected over cited prior art. In view of Applicants' remarks below, Applicants respectfully submit that claims 1-3 and 5-20 are in condition for allowance. Accordingly, Applicants respectfully request that the present Response be considered and entered, the rejections to the claims be withdrawn, and that the case now be passed to issue.

### **Objection to the Drawings**

The Examiner has objected to the drawings as Figure 1 is required to be labeled 'Prior Art', and as to the informal nature of the drawing figures. In response, Applicants are herewith submitting new, formal drawing figures, including amending Figure 1 to include the 'Prior Art' labeling.

Applicants therefore respectfully request that the outstanding objection to the drawings now be withdrawn.

### **Claim Rejections**

The Examiner has rejected to claims 3 and 4 as being indefinite in their recitations. In response, Applicants have amended claim 3 to newly depend from claim 1, and to clarify that each of the pinch and radius rods include an outwardly extending key guide. Applicants have also canceled claim 4.

Applicants therefore respectfully request that the outstanding rejections to claim 3 and 4 now be withdrawn.

**The 35 U.S.C. § 102(b) Rejection of Claims 1, 5, 10, 14 and 19 over Frey**

The Examiner has rejected claims 1, 5, 10, 14 and 19 as being anticipated by Frey. Applicants traverses this rejection and respectfully assert that Frey does not disclose or render obvious at least each and every element of, at least, independent claims 1, 10 and 19.

Applicant's invention comprises a unique roll forming apparatus whereby at least one roll-formation rod of the roll forming apparatus includes a roller slidably disposed thereon. That is, the present invention permits one, or more, rollers to be disposed on the roll-formation rod such that the roller(s) may be selectively positioned along the length of the roll-formation rod, thereby customizing the location of the roller(s) with respect to the roll-formation rod. The present invention thereby enables the use of a single roll forming apparatus to be used with flanged or bent-portioned metal workpieces, even when the position or spacing of the flanges/bent-portions varies.

As was discussed on pages 1 and 2 of the present invention, some existing roll forming apparatuses utilize roll-formation rods having *set, fixed-position* clearance channels formed thereon. While effective to a certain degree, these known roll forming apparatuses can only accommodate workpieces having spaced flanges or bent-portions that match the spacing of the clearance channels, due to their fixed nature along the roll-formation rods.

Applicants respectfully assert that the cited reference, Frey, merely depicts known roll forming apparatuses of the type discussed on pages 1 and 2 of the present specification. That is, Applicants respectfully assert that the "circumferential indentations" that are defined on Frey's roll-formation rods are *fixed* in nature, and therefore cannot be *selectively positioned* along the roll-formation rod, as explicitly recited in independent claims 1, 10 and 19.

In addressing this very issue, the Examiner has stated that the roller 850B is considered to be "selectively positionable", because "the roller 850B is made of separate elements from the rod 860B *as evident from the hash marked hidden lines*" (emphasis added). Applicants respectfully traverse this assertion on a number of grounds.

Firstly, Applicants submit that Frey is absolutely silent as to the structural construction, and therefor capabilities, of the roller 850B in this regard. Indeed, Applicants submit that the language employed by Frey *teaches away from* the concept that the roller 850B is a separate element from rod 860B.

Column 6, lines 53-56 of Frey states that "the non-driven *rollers* have circumferential indentations *therein*" (emphasis added), citing indentations 870A, 874B, 878B, 882B and 890B. Applicants submit that Frey's explicit recitation that the 'indentations' are formed *in* the rollers clearly refutes any reading of Frey that the indentations are *separate elements* from the roller 850B.

As Frey contains no textual disclosure to support the Examiner's contention of separate elements, and given that Frey's only textual disclosure on this point clearly teaches away from any such interpretation, Applicants therefore respectfully request reconsideration of the Examiner's assumption in this regard.

Secondly, Applicants assert that the "hash marked hidden lines" in Figure 4 merely reflects the position of the rod 860B, and could be present for any number of reasons, for example, to illustrate that the rod 860B is concentrically aligned (i.e., not eccentrically aligned) with the roller 850B. In any event, Applicants respectfully submit that absent more disclosure in Frey, the presence of the hidden lines communicates *no definitive conclusion at all* with respect to the separate or integrally formed nature of the roller 850B and the rod 860B. Indeed, should the Examiner repeat this assumption in a subsequent rejection, Applicants respectfully

request that the Examiner point out *some* disclosure in Frey to support its validity. Failing that, Applicants respectfully request that if the Examiner instead takes Official Notice that it is known to have rollers be separate elements from the rods upon which they are defined, that the Examiner provide a reference illustrating the same, pursuant to MPEP 2144.03.

Lastly, Applicants assert that even if, *in arrguendo*, the rollers 850B are in fact separate elements from the rod 860B, there is no disclosure in Frey to suggest that they are "selectively positionable" along the rod, as explicitly recited in independent claims 1, 10 and 19.

That is, the presupposition that the rollers 850B are separate from the rod 860B speaks not at all to whether the rollers are "selectively positionable" along the rod 860B. Indeed, most mechanical assemblies, including that of Frey, are made up of 'separate elements', but this does not mean that all these elements are "selectively positionable" with respect to all the other separate elements of the assembly. Frey's leg member 200A (Figure 1) may be a 'separate element' from the upper surface 36, but absent some disclosure to this effect, it is highly doubtful that one could definitively state that the leg member 200A is "selectively positionable" along the upper surface 36.

In sum, Applicant respectfully submits that Frey merely discloses a prior-art assembly, and that there exists no disclosure in Frey to suggest that the rollers 850B are "selectively positionable" along the roll-formation rod. Moreover, Applicants assert that Frey's disclosure explicitly teaches away from the rollers 850B being separate elements from the rod 860B; that the hidden lines in Figure 4 neither support nor refute this interpretation; and that even if they are assumed to be separate elements, there is simply no teaching at all in Frey to support the conclusion that the rollers 850B are "selectively positionable" along the rod 860B, as explicitly recited in independent claims 1, 10 and 19.

Applicants therefore assert that, in light of the rationale discussed above, Frey cannot anticipate the claimed configuration of elements as recited in, at least, claims 1, 10 and 19. Applicants therefore respectfully request that the Examiner withdraw the existing rejection of claims 1, 5, 10, 14 and 19 as being anticipated by Frey.

Applicants earnestly believe that independent claims 1, 10 and 19, as well as the associated dependent claims, clearly define over Frey, however, should the Examiner believe that there remains any outstanding issues, or if the Examiner believes that an Examiner's Amendment would place the case in condition for allowance, Applicants respectfully request that the Examiner contact Applicants' Representative so as to accomplish the same.

**The 35 U.S.C. § 103(a) Rejection of Claims 2-4 and 11-13 over Frey in view of Lakin**

The Examiner has rejected claims 2-4 and 11-13 under 35 U.S.C. § 103(a) as being unpatentable over Frey in view of Lakin. Applicants traverse this rejection and respectfully assert that neither Frey nor Lakin, either alone or in combination, teach or suggest each and every aspect of, at least, independent claims 1, 10, and 19.

As discussed at length above, Applicants submit that Frey does not disclose, at least, a roller which is "selectively positionable" along its supporting rod, as explicitly recited in claims 1, 10 and 19.

Lakin's sugar cane rollers offering no pertinent disclosure to supplement Frey's teaching in this regard, Applicants respectfully request withdrawal of the 35 U.S.C. 103(a) rejection of claims 2-4 and 11-13 for at least these reasons.

Applicants earnestly believe that independent claims 1, 10 and 19, as well as the associated dependent claims, clearly define over both Frey and Lakin, however, should the Examiner believe that there remains any outstanding issues, or if the Examiner believes that an Examiner's Amendment would place the case in

condition for allowance, Applicants respectfully request that the Examiner contact Applicants' Representative so as to accomplish the same.

**The 35 U.S.C. § 103(a) Rejection of Claims 6, 7, 15 and 16 over Frey in view of Hahnemann**

The Examiner has rejected claims 6, 7, 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Frey in view of Hahnemann. Applicants traverse this rejection and respectfully assert that neither Frey nor Hahnemann, either alone or in combination, teach or suggest each and every aspect of, at least, independent claims 1, 10, and 19.

As discussed at length above, Applicants submit that Frey does not disclose, at least, a roller which is "selectively positionable" along its supporting rod, as explicitly recited in claims 1, 10 and 19.

Hahnemann offering no pertinent disclosure to supplement Frey's teaching in this regard, Applicants respectfully request withdrawal of the 35 U.S.C. 103(a) rejection of claims 6, 7, 15 and 16 for at least these reasons.

Applicants earnestly believe that independent claims 1, 10 and 19, as well as the associated dependent claims, clearly define over both Frey and Hahnemann; however, should the Examiner believe that there remains any outstanding issues, or if the Examiner believes that an Examiner's Amendment would place the case in condition for allowance, Applicants respectfully request that the Examiner contact Applicants' Representative so as to accomplish the same.

**The 35 U.S.C. § 103(a) Rejection of Claims 8, 9, 17 and 18 over Frey in view of Hahnemann**

The Examiner has rejected claims 8, 9, 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Frey in view of Aitken. Applicants traverse this rejection

and respectfully assert that neither Frey nor Aitken, either alone or in combination, teach or suggest each and every aspect of, at least, independent claims 1, 10, and 19.

As discussed at length above, Applicants submit that Frey does not disclose, at least, a roller which is "selectively positionable" along its supporting rod, as explicitly recited in claims 1, 10 and 19.

Aitken offering no pertinent disclosure to supplement Frey's teaching in this regard, Applicants respectfully request withdrawal of the 35 U.S.C. 103(a) rejection of claims 8, 9, 17 and 18 for at least these reasons.

Applicants earnestly believe that independent claims 1, 10 and 19, as well as the associated dependent claims, clearly define over both Frey and Aitken; however, should the Examiner believe that there remains any outstanding issues, or if the Examiner believes that an Examiner's Amendment would place the case in condition for allowance, Applicants respectfully request that the Examiner contact Applicants' Representative so as to accomplish the same.

#### **New Claim 20**

Applicants have newly proposed claim 20 to more clearly recite the scope of protection to which Applicants are entitled.

New claim 20 explicitly recites that the roller is "slidably disposed" on one of the recited rods, and is "selectively and slidably positionable along" one of the recited rods, a feature not taught or suggested by any of the cited prior art documents, as discussed above.

Applicants therefore respectfully assert that claim 20 also clearly distinguishes over the cited prior art of record, and an early indication of the same is earnestly solicited.

### CONCLUSION

In view of the remarks above, it is respectfully submitted that claims 1-3, and 5-20 are allowable, and an early action to that effect is earnestly solicited.

The Examiner is invited to contact the undersigned at the number below to expedite resolution of any issues that the Examiner may consider to remain unresolved. In particular, should a Notice of Allowance not be forthcoming, and if an Examiner's Amendment would place the case in condition for allowance, the Examiner is requested to phone the undersigned for a telephonic interview while the outstanding issues are fresh in the mind of the Examiner.

It is believed that no additional fees or deficiencies in fees are owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any additional fees are owed.

Respectfully submitted,

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## DRAWING AMENDMENTS

Please replace the existing informal drawings with the attached three (3) pages of formal drawings.